



Reprinted  
February 4, 2005

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## HOUSE BILL No. 1230

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DIGEST OF HB 1230 (Updated February 3, 2005 2:26 pm - DI 96)

**Citations Affected:** IC 8-2.1.

**Synopsis:** Indemnity agreements in motor carrier contracts. Provides that certain indemnity agreements in a motor carrier transportation contract are against public policy and are void and unenforceable.

**Effective:** July 1, 2005.

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**Friend, Stilwell, Davis, Buck**

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January 6, 2005, read first time and referred to Committee on Roads and Transportation.  
January 24, 2005, reported — Do Pass.  
February 3, 2005, read second time, amended, ordered engrossed.

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HB 1230—LS 6976/DI 96+



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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1230

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A BILL FOR AN ACT to amend the Indiana Code concerning  
utilities and transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 8-2.1-26 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2005]:

4 **Chapter 26. Invalidity of Indemnity Agreements in Motor**  
5 **Carrier Transportation Contracts**

6 **Sec. 1. As used in this chapter, "motor carrier transportation**  
7 **contract" means a contract, an agreement, or an understanding**  
8 **covering:**

9 (1) **the transportation of property for compensation or hire by**  
10 **a motor carrier as defined under this article or by 49 U.S.C.**  
11 **13102(12);**

12 (2) **the entrance on real property by a motor carrier to:**

13 (A) **load;**

14 (B) **unload; or**

15 (C) **transport property for compensation or hire; or**

16 (3) **a service incidental to an activity described in subdivision**  
17 **(1) or (2), including storage of property.**

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1       Sec. 2. As used in this chapter, "promisee" means a person,  
2 other than a person that operates a railroad intermodal facility, to  
3 whom a promise is made or an agent, a servant, or an independent  
4 contractor who is directly responsible to the promisee. The term  
5 does not include a motor carrier that is a party to a motor carrier  
6 transportation contract with a promisee or an agent, an employee,  
7 a servant, or an independent contractor directly responsible to the  
8 motor carrier.

9       Sec. 3. Notwithstanding any other law, a provision, a clause, a  
10 covenant, or an agreement contained in, collateral to, or affecting  
11 a motor carrier transportation contract that purports to  
12 indemnify, defend, or hold harmless, or has the effect of  
13 indemnifying, defending, or holding harmless, the promisee against  
14 liability for loss or damage resulting from:

15           (1) negligence;

16           (2) intentional acts; or

17           (3) omissions;

18 of the promisee is against public policy and is void and  
19 unenforceable, except when and only to the extent that the loss or  
20 damage results directly from the negligence, intentional acts, or  
21 omissions of the motor carrier or agents, employees, servants, or  
22 independent contractors directly responsible to the motor carrier.

23       Sec. 4. This chapter applies to a motor carrier transportation  
24 contract entered into or renewed after June 30, 2005.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1230, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DUNCAN, Chair

Committee Vote: yeas 11, nays 0.

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HB 1230—LS 6976/DI 96+



## HOUSE MOTION

Mr. Speaker: I move that House Bill 1230 be amended to read as follows:

Page 1, line 10, delete "carrier;" and insert "**carrier as defined under this article or by 49 U.S.C. 13102(12);**".

Page 1, line 17, after "person" insert ", **other than a person that operates a railroad intermodal facility,**".

Page 2, line 17, delete "unenforceable." and insert "**unenforceable, except when and only to the extent that the loss or damage results directly from the negligence, intentional acts, or omissions of the motor carrier or agents, employees, servants, or independent contractors directly responsible to the motor carrier.**".

(Reference is to HB 1230 as printed January 25, 2005.)

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